

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 17CR20

Plaintiff,

March 22, 2017

vs.

RAYVONNA TAYLOR,

Defendant.

TRANSCRIPT OF GUILTY PLEA PROCEEDINGS
BEFORE THE HONORABLE DAVID A. RUIZ
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

Vasile Katsaros, AUSA
Office of the U.S.
Attorney
Northern District of Ohio
801 West Superior Avenue
400 U.S. Court House
Cleveland, Ohio 44113
(216) 622-3600

For the Defendant:

Alek H. El-Kamhawy, Esq.

1 THE CLERK: All rise.

2 THE COURT: Please be seated.

3 THE CLERK: This court is open for the
4 transaction of business, the Honorable David A. Ruiz
14:45:52 5 presiding.

6 This is Case Number 1:17CR20, United States
7 of America versus Rayvonna Taylor.

8 THE COURT: Good afternoon. Will counsel
9 for the United States please identify himself for the
14:46:11 10 record?

11 MR. KATSAROS: Vasile Katsaros on behalf of
12 the United States, Your Honor.

13 THE COURT: And will counsel for the
14 defendant please identify himself for the record?

14:46:18 15 MR. EL-KAMHAWY: Good afternoon, Judge.
16 Alek El-Kamhawy on behalf of Ms. Taylor.

17 THE COURT: Ms. Taylor, it is my
18 understanding that you wish to change your plea and enter
19 a plea of guilty today.

14:48:37 20 Is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I'll be conducting a change of
23 plea hearing and we'll be -- we'll -- we will be going
24 over your plea agreement in detail.

14:48:47 25 If there's anything that you don't

1 understand, you may consult with your attorney at any
2 time during the proceedings.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

14:48:57 5 THE COURT: Do you understand that Attorney
6 El-Kamhawy is here to represent you today?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Ms. Taylor, are you presently
9 under the influence of any medications, drugs,
14:49:05 10 substances, alcohol, anything that would interfere with
11 your ability to think or understand?

12 THE DEFENDANT: No, sir.

13 THE COURT: Mr. El-Kamhawy, do you have any
14 reason to question either your client's ability to
14:49:15 15 understand what's going on here today or competency to
16 proceed in this matter?

17 MR. EL-KAMHAWY: No, Judge.

18 THE COURT: Mr. Katsaros, do you have any
19 reason to doubt or to question the defendant's competency
14:49:31 20 to plead today?

21 MR. KATSAROS: No, Your Honor.

22 THE COURT: I have before me a document
23 titled "Consent to order of referral to Magistrate Judge
24 for purposes of receiving defendant's guilty plea."

14:50:07 25 Ms. Taylor, did you, in fact, review this

1 document, consult with your attorney, and sign it today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that you have
4 the right to offer your guilty plea to Judge Boyko, the
14:50:20 5 District Court Judge in this case?

6 THE DEFENDANT: Can you repeat that,
7 please?

8 THE COURT: Do you understand that you have
9 the right to offer your guilty plea to Judge Boyko who is
14:50:28 10 the District Court Judge in this case?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that by
13 giving this consent to my jurisdiction, you give up your
14 right to offer your guilty plea to the District Judge?

14:50:38 15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you still wish to proceed
17 with your guilty plea today?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: I find that Ms. Taylor does
14:50:49 20 knowingly and voluntarily consent to my jurisdiction
21 to -- for purposes of the proceedings today.

22 Ms. Taylor, the purpose of this proceeding
23 is to establish that you are competent to make a plea, to
24 ensure that your plea is free and voluntary, to be
14:51:11 25 certain you understand the charges asserted against you,

1 the maximum penalties for those charges, and the
2 constitutional rights that you will be giving up by
3 pleading guilty.

4 Another purpose is also to determine that
14:51:20 5 there is a factual basis for the plea and, finally, to
6 receive your plea.

7 During today's proceedings, I will be
8 asking you a series of questions. The court reporter
9 will record my questions and your answers. Only spoken
14:51:32 10 verbal statements can be recorded as opposed to head nods
11 or gestures, so please make sure that you clearly speak
12 into the microphone so the court reporter can hear you.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

14:51:45 15 THE COURT: If you do not understand any
16 question or at any time you wish to consult with your
17 attorney, please say so because it is essential to a
18 valid plea that you understand each question before you
19 answer it.

14:51:56 20 Do you understand that instruction?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Ms. Taylor, you have the right
23 to remain silent, you are not required to make any
24 statement, and anything you say may be used against you.

14:52:06 25 Before receiving your guilty plea, there

1 are a number of questions that I will ask you to assure
2 that your plea is valid.

3 By answering these questions, you will be
4 making statements against your interests and you will
14:52:17 5 incriminate yourself.

6 Do you understand that by proceeding here
7 today with a guilty plea, you will necessarily be giving
8 up your right to remain silent?

9 THE DEFENDANT: Yes, sir.

14:52:25 10 THE COURT: Ms. Golden, could you please
11 swear in the witness?

12 THE CLERK: Raise your right hand, please.
13 (Defendant sworn).

14 THE CLERK: Thank you.

14:52:44 15 THE COURT: Ms. Taylor, you have now been
16 sworn and are under oath to tell the truth. Your answers
17 to my questions may be subject to prosecution of perjury
18 and for making false statements if you do not tell the
19 truth.

14:52:56 20 Do you understand the potential
21 consequences if you do not tell the truth?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: As part of the proceedings, I
24 must determine that you are competent and understand the
14:53:07 25 proceedings and competent to enter into a knowing plea.

1 In order to do that, I have to ask
2 you -- I'm going to ask a series of questions.

3 Ma'am, what is your full name?

4 THE DEFENDANT: Rayvonna Taylor.

14:53:22 5 THE COURT: And how old are you?

6 THE DEFENDANT: Twenty-eight.

7 THE COURT: Are you a citizen of the United
8 States?

9 THE DEFENDANT: Yes.

14:53:29 10 THE COURT: How far did you proceed in
11 school?

12 THE DEFENDANT: High school diploma.

13 THE COURT: And I assume by the nature of
14 the responses thus far, but I'm going to ask, are you
14:53:44 15 able to speak and understand English?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Are you currently on probation,
18 parole, supervised release, for any state or federal
19 conviction?

14:53:54 20 THE DEFENDANT: No, sir.

21 THE COURT: Do you understand that if you
22 were, that pleading guilty today could have an adverse
23 effect on any probation, parole or supervised release
24 status?

14:54:22 25 THE DEFENDANT: Yes, sir.

1 THE COURT: In the past twelve months, have
2 you been treated for any mental illness?

3 THE DEFENDANT: No, sir.

4 THE COURT: Addiction to alcohol?

14:54:28 5 THE DEFENDANT: No, sir.

6 THE COURT: Addiction to any -- any
7 medications, narcotics?

8 THE DEFENDANT: No, sir.

9 THE COURT: Any kind of drugs?

14:54:37 10 THE DEFENDANT: No, sir.

11 THE COURT: In the past 24 hours have you
12 taken any medications, drugs or alcohol?

13 THE DEFENDANT: No, sir.

14 THE COURT: Do you understand what's
15:14:56 15 happening today?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And can you tell me what's
18 happening today?

19 THE DEFENDANT: I'm pleading guilty to the
15:15:02 20 indictment that was given to me.

21 THE COURT: I'd like to have a side-bar
22 with counsel in this case as well as the defendant.

23 (Side-bar conference had off the record).

24 THE COURT: Ms. Taylor and -- excuse me one
15:18:08 25 moment.

1 (Pause) .

2 THE COURT: Ms. Taylor and Attorney
3 El-Kamhawy, do you have a copy of the plea agreement in
4 this case?

15:18:32 5 MR. EL-KAMHAWY: Yes, Your Honor, in front
6 of us.

7 THE COURT: Ms. Taylor, did you, in fact,
8 review the plea agreement, consult with your attorney --

9 THE DEFENDANT: Yes, sir.

15:18:51 10 THE COURT: -- before signing it?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you, in fact, in reviewing
13 the plea agreement, sign your initials at the bottom hand
14 right corner of each page of the plea agreement?

15:19:03 15 THE DEFENDANT: Yes, sir.

16 THE COURT: And after reviewing the plea
17 agreement entirely, did you sign and date the plea
18 agreement as of today, March 22nd, 2017?

19 THE DEFENDANT: Yes, sir.

15:19:11 20 THE COURT: In Paragraph 1 of the plea
21 agreement -- you have it in front of you, ma'am?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Paragraph 1 indicates "Waiver
24 of constitutional trial rights." It states, "Defendant
15:19:42 25 understands that defendant has the right to plead not

1 guilty and go to trial. At trial, defendant would be
2 presumed innocent, have the right to trial by jury, or
3 with the consent of the United States to trial by the
4 Court; the right to the assistance of counsel; the right
15:34:00 5 to confront and cross-examine adverse witnesses and
6 subpoena witnesses to testify for the defense."

7 Do you understand those rights, ma'am?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: It further states that you
15:34:11 10 would have the right to testify and present evidence and
11 the right to be protected from compelled
12 self-incrimination.

13 Do you understand those rights, ma'am?

14 THE DEFENDANT: Yes, sir.

15:34:21 15 THE COURT: It further states, "Defendant
16 understands defendant has the right to an attorney at
17 every stage of the proceedings and, if necessary, one
18 will be appointed to represent defendant. Defendant
19 understands that by pleading guilty, defendant
15:34:34 20 specifically and voluntarily waives each of these trial
21 rights except the right to counsel."

22 Do you understand that, ma'am?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: It further states, "Defendant
15:34:45 25 understands that a guilty plea is a complete admission of

1 guilt and if the Court accepts the guilty plea, the Court
2 will find the defendant guilty without trial."

3 Do you understand that, ma'am?

4 THE DEFENDANT: Yes, sir.

15:34:53 5 THE COURT: Do you understand the rights
6 that have been set forth in Paragraph 1 of the plea
7 agreement?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand that by
15:34:59 10 pleading guilty, you will be giving up those rights?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Paragraph 2 of the plea
13 agreement is captioned, "Statutory penalties." It
14 indicates, "Defendant understands the statutory maximum
15:35:13 15 penalties and minimum penalties, if applicable, for the
16 count to which defendant agrees to plead guilty are as
17 follows."

18 Count 1, described as 21, U.S.C., Section
19 841(a) (1), (b) (1) (B) and Section 846, conspiracy to
15:35:31 20 distribute and possess with intent to distribute cocaine,
21 which carries with it a maximum term of imprisonment of
22 40 years, minimum term of imprisonment five years,
23 maximum statutory fine of \$5 million, minimum period of
24 supervised release of four years, and a special
15:35:45 25 assessment of \$100.

1 Do you understand the maximum and minimum
2 penalties applicable to the counts in which you are
3 charged?

4 THE DEFENDANT: Yes, sir.

15:35:56 5 THE COURT: Paragraph 3 is captioned
6 "Minimum sentence must include imprisonment," states,
7 "The sentence for the offense charged in Count 1 may not
8 be satisfied by a term of probation and must include some
9 period of imprisonment."

15:36:12 10 Do you understand that, ma'am?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Paragraph 4 entitled "Limited
13 authority under 18 U.S.C. Section 3553(f) and USSG
14 Section 5C1.2.," further described as safety valve, "to
15:36:30 15 impose sentence below statutory minimum," states
16 "Defendant understands that if the Court at the time of
17 sentencing finds the defendant meets all the requirements
18 of the 'safety valve' provision of 18 U.S.C. Section
19 3553(f) and the applicable Sentencing Guideline, the
15:36:49 20 Court may impose a sentence below the minimum sentence
21 that would otherwise be required by statute or
22 Guidelines."

23 Do you understand that, ma'am?

24 THE DEFENDANT: Yes, sir.

15:36:58 25 THE COURT: Paragraph 5 captioned "Special

1 assessment" says, "As set forth above, defendant will be
2 required to pay a mandatory special assessment of \$100
3 for each count of conviction for a total of \$100 due
4 immediately upon sentencing."

15:37:21 5 Do you understand that, ma'am?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Paragraph 6 entitled captioned
8 sets forth -- entitled "Costs" set forth the defendant
9 may be ordered to pay costs of prosecution, sentencing,
10 and so forth as set forth in Paragraph 6.

11 Do you understand that, ma'am?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Paragraph 7 indicates that
14 defendant may be ordered to pay restitution as a
15 condition of sentence, probation, or supervised release.

16 Do you understand that, ma'am?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Paragraph 8 sets forth a
19 violation of probation and supervised release and
20 indicates, "If defendant violates any term or condition
21 of probation or supervised release, such violation can
22 result in a period of incarceration or other additional
23 penalty as imposed by the Court."

24 Do you understand that, ma'am?

15:38:08 25 THE DEFENDANT: Yes, sir.

1 THE COURT: It furthers states, "In some
2 circumstances, the combined term of imprisonment under
3 the initial sentence and additional period of
4 incarceration could exceed the maximum statutory term."

15:38:17 5 Do you understand that, ma'am?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Paragraph 9 is entitled
8 "Immigration consequences."

9 It indicates, "Defendant understands that a
15:38:25 10 convicted person who is not a United States citizen may
11 be removed from the United States, denied citizenship,
12 and denied admission to the United States in the future."

13 Do you understand that, ma'am?

14 THE DEFENDANT: Yes, sir.

15:38:36 15 THE COURT: Ma'am, do you understand that
16 if you plead guilty and the District Judge accepts your
17 plea, that you will be giving up the right to trial and
18 the other rights that have been set forth in Paragraph 1
19 of the plea agreement?

15:39:02 20 THE DEFENDANT: Yes, sir.

21 THE COURT: That, in fact, there will be no
22 trial in this case?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: That the District Judge will
15:39:08 25 enter a judgment of guilty and sentence you on the basis

1 of your guilty plea after considering the pretrial
2 sentencing report.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

15:39:17 5 THE COURT: Do you understand that the
6 offense that you will be pleading guilty to is a felony,
7 and a judgment of guilty may deprive you of various civil
8 rights such as the right to vote, the right to hold
9 public office, the right to serve on a jury, and the
15:39:32 10 right to possess any kind of firearm?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: At Page 3 of 12 of the plea
13 agreement, Paragraph 10, captioned "Agreement to plead
14 guilty" indicates "Defendant agrees to plead guilty to
15:39:52 15 Count 1 of the indictment in this case."

16 Do you understand that, ma'am?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Paragraph 11 indicates
19 "Agreement not to bring certain other charges." It
15:40:01 20 indicates "The USAO" -- do you understand the
21 abbreviation USAO refers to the U.S. Attorney's Office?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: It says, "The USAO will not
24 bring any other criminal charges against defendant for
15:40:13 25 violations known to the USAO on the date of the execution

1 of this agreement as it relates to this investigation,
2 for violations known to the USAO on the date of the
3 execution of this agreement, or relating to conduct
4 charged in the indictment and/or described in the factual
15:40:46 5 basis section of the agreement based on facts currently
6 within the knowledge of the USAO."

7 Do you understand that, ma'am?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Is your decision to plead
15:40:57 10 guilty the result of an exercise of your own free will?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has anyone threatened you or
13 anyone else or forced you in any way to plead guilty?

14 THE DEFENDANT: No, sir.

15:41:05 15 THE COURT: Ma'am, Paragraph 12 of the plea
16 agreement indicates "The elements of the offense to which
17 defendant will plead guilty are," and it's set forth
18 there in Paragraph 12, which I'll summarize as drug
19 conspiracies, "Two or more persons conspired or agreed to
15:41:32 20 violate federal drug laws," and that you as the defendant
21 knowingly and voluntarily joined in that conspiracy.

22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Paragraph 13 under the caption
15:41:45 25 "Sentencing stipulation and agreements" is entitled

1 "Sentencing Guidelines." It states "Defendant
2 understands that sentencing rests within the discretion
3 of the Court. The federal sentencing law requires the
4 Court to impose -- impose a sentence which is sufficient
15:41:59 5 but not greater than necessary to comply with the
6 purposes of 18 U.S.C. Section 3553(a), and that the Court
7 must consider, among other factors, the advisory United
8 States Sentencing Guidelines in effect at the time of the
9 sentencing, and that in determining the sentencing, the
15:42:14 10 Court may depart or vary from the advisory Guideline
11 range."

12 Do you understand that, ma'am?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you have a copy of the
15:42:21 15 Sentencing Guideline table in front of you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you discussed with your
18 attorney the Sentencing Guidelines?

19 THE DEFENDANT: Yes, sir.

15:42:28 20 THE COURT: You do have an understanding of
21 how the Sentencing Guidelines -- how the chart works, how
22 the table is used?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: So, for example, if you look on
15:42:41 25 the sentencing chart in front of you -- and this is

1 simply an example. I'm not saying that this is what
2 criminal history, offense level, or term of imprisonment
3 would apply to you. It's just simply an example.

4 Do you understand that?

15:42:57 5 THE DEFENDANT: Yes, sir.

6 THE COURT: So, for example, if you look on
7 the offense level on the left side and you went to a Zone
8 B and offense level 10, someone with an offense level 10
9 and a criminal history of category three, if you take
15:43:12 10 your finger to the right, look at offense level ten,
11 category history three, it would indicate number/range
12 10-16.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15:43:23 15 THE COURT: So someone with an offense
16 level of ten and a category history -- criminal history
17 category of three would, according to the Sentencing
18 Guideline table, have a recommendation term of
19 imprisonment of 10 to 16 months.

15:43:37 20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Paragraph 14 of the plea
23 agreement indicates "Presentence report," and it states,
24 "Defendant understands that the advisory Guideline range
15:43:52 25 will be determined by the Court at the time of sentencing

1 after a presentence report has been prepared by the U.S.
2 Probation Office and reviewed by the parties."

3 Do you understand that, ma'am?

4 THE DEFENDANT: Yes, sir.

15:44:00 5 THE COURT: It further states, "Defendant
6 understands that the USAO may provide the U.S. Probation
7 Office all known information regarding
8 defendant -- defendant's conduct subject to its limited
9 use under Sentencing Guideline 1B1.8."

15:44:15 10 Do you understand that, ma'am?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Paragraph 15 entitled "Joint
13 recommendation to use advisory Sentencing Guidelines
14 computation" indicates, "After considering the factors in
15:44:26 15 18 U.S.C. Section 3553(a), the parties agree to recommend
16 that the Court impose a sentence within the range and of
17 the kind specified pursuant to the advisory Sentencing
18 Guidelines in accordance with the computations and
19 stipulations set forth within the plea agreement."

15:44:43 20 Do you understand that, ma'am?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: It furthers states, "Neither
23 party will recommend or suggest in any way that a
24 departure or variance is appropriate, either regarding
15:44:51 25 the sentencing range or regarding the kind of sentence."

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: It further states, "The

4 government is free to argue that a two-level enhancement

15:45:01 5 for abuse of a position of trust applies under Sentencing

6 Guideline 3B1.3."

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: It further states that you, as

15:45:13 10 the defendant, are free to oppose that request.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Paragraph 16, ma'am, captioned,

14 "Sentencing recommendation not binding upon the Court,"

15:45:35 15 it states, and I'll summarize, that defendant understands

16 that the recommendation of the parties will not be

17 binding upon the Court.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

15:45:41 20 THE COURT: That the Court alone will

21 decide the advisory Guideline range under Sentencing

22 Guidelines and the sentence to impose.

23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

15:45:50 25 THE COURT: It further states that once the

1 Court has accepted your guilty plea, you will have no
2 right to withdraw such plea.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

15:46:06 5 THE COURT: And you will not have a right
6 to withdraw the plea even if the Court does not accept
7 any sentencing recommendation made on your behalf.

8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

15:46:19 10 THE COURT: Paragraph 17 sets forth
11 "Stipulated Guideline computation," indicates, "The
12 parties agree that the following calculation, using the
13 current advisory Sentencing Guideline manual, represents
14 the correct computation of the applicable offense level."

15:46:47 15 And within Subparagraph A, it indicates,
16 "For purposes of determining defendant's statutory
17 penalty and imprisonment range under the Sentencing
18 Guidelines, defendant and the U.S. Attorney's Office
19 agree and stipulate that the amount of drugs conspired to
15:47:11 20 be possessed with the intent to distribute and
21 distributed in Count 1 is at least 500 grams of cocaine
22 but not" -- excuse me -- "but less than two kilograms,
23 which corresponds to a base offense level of 24 pursuant
24 to" the applicable Sentencing Guideline.

15:47:27 25 Do you understand that, ma'am?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Paragraph B indicates the
3 parties agree and stipulate that no other adjustment to
4 defendant's base level offense is warranted under the
15:47:39 5 applicable Sentencing Guidelines.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that as set
9 forth in Subparagraph B, if the Court determines that you
15:48:13 10 meet all the requirements of the "safety valve"
11 provisions of the applicable Sentencing Guideline and
12 5C1.2, then the party -- parties agree that a reduction
13 of two levels will be warranted under the applicable
14 Sentencing Guideline?

15:48:32 15 THE DEFENDANT: Yes, sir.

16 THE COURT: Paragraph sub B, 17, 17B
17 further sets forth the applicable base offense level and
18 subtotal in a chart and indicates that that level will be
19 24.

15:49:01 20 It further states that, "Unless otherwise
21 agreed to below within the plea agreement, the parties
22 agree that no other specific offense characteristics,
23 Guideline adjustments or Guideline departures will
24 apply."

15:49:14 25 Do you understand that, ma'am?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Paragraph 18 sets forth
3 possible application of Sentencing Guideline 2D1.1(b) (17)
4 and 5C1.2 and indicates, "The USAO agrees that defendant
15:49:37 5 meets the criteria set forth in subsection (2) through
6 (5) of Sentencing Guideline Section 5C1.2(a)."

7 Do you understand that, ma'am?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: It further indicates, "In the
15:49:50 10 event the USAO, from its review of defendant's
11 pre-sentencing report, concludes that defendant has no
12 more than one criminal history point and thus meets the
13 remaining criteria set forth in Sentencing Guideline
14 5C1.2(a) as set forth in Subsection (1) of that
15:50:08 15 provision, the USAO agrees to recommend, pursuant to the
16 applicable Sentencing Guideline, that defendant's offense
17 level be decreased by two levels."

18 Do you understand that, ma'am?

19 THE DEFENDANT: Yes, sir.

15:50:34 20 THE COURT: Paragraph 19 sets forth
21 acceptance of responsibility. It indicates, "The USAO
22 has no reason to believe at this time that defendant has
23 not clearly and affirmatively accepted personal
24 responsibility for defendant's criminal conduct. The
15:50:48 25 USAO agrees to recommend a three-level reduction for

1 acceptance of responsibility pursuant to the applicable
2 Sentencing Guideline, provided defendant's conduct
3 continues to reflect defendant's acceptance of
4 responsibility."

15:51:01 5 Do you understand that, ma'am?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: It further states, "Defendant
8 understands it will be up to the Court at the time of
9 sentencing to determine whether a reduction for
10 acceptance of responsibility is appropriate."

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Paragraph 20 pertains to
14 criminal history category and indicates, "The parties
15 have no agreement about the criminal history category
16 applicable to this case."

17 Do you understand that, ma'am?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: It indicates, "The defendant
20 understands the criminal history category will be
21 determined by the Court after the completion of a
22 presentence investigation by the U.S. Probation Office."

23 Do you understand that, ma'am?

24 THE DEFENDANT: Yes, sir.

15:51:44 25 THE COURT: Paragraph 21 on Page 7, under

1 the caption "Waiver of appeal and post-conviction
2 attack," Paragraph 21 indicates, "Defendant acknowledges
3 having been advised by counsel of defendant's rights in
4 limited circumstances to appeal the conviction or
15:51:58 5 sentence in this case, including the appeal right
6 conferred by 18 U.S.C. Section 3742, and to challenge the
7 conviction or sentence collaterally through a
8 post-conviction proceeding, including a proceeding under
9 28 U.S.C. Section 2255."

15:52:20 10 Do you agree with that, ma'am?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: "Defendant expressly and
13 voluntarily waives those rights, except as specifically
14 reserved below" within the plea agreement.

15:52:35 15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: It further states in
18 Paragraph 21, "Defendant reserves the right to appeal:
19 A, any punishment in excess of the statutory maximum;
15:52:46 20 and, B, any sentence to the extent it exceeds the maximum
21 of the sentencing imprisonment range determined under the
22 advisory Sentencing Guidelines in accordance with the
23 sentencing stipulation and computation in this agreement
24 using the criminal history category found applicable by
15:53:00 25 the Court."

1 Do you understand that, ma'am?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: It further states, "Nothing in
4 Paragraph 21 shall act as a bar to defendant perfecting
15:53:11 5 any legal remedies defendant may otherwise have on appeal
6 or collateral attack with respect to claims of
7 ineffective assistance of counsel or prosecutorial
8 misconduct."

9 Do you understand that, ma'am?

15:53:20 10 THE DEFENDANT: Yes, sir.

11 THE COURT: Paragraph 22 under the caption
12 "Waiver of statute of limitations," states "Defendant
13 waives all defenses based on the statute of limitations
14 with respect to any prosecution that is not already time
15:53:32 15 barred by the applicable statute of limitations on the
16 date of defendant's signing of this agreement and that is
17 commenced within one year after any of the following
18 events:

19 One, defendant fails to plead guilty at the
15:53:47 20 plea proceeding or the Court refuses to accept a guilty
21 plea by defendant pursuant to this plea agreement.

22 Two, the Court permits defendant to
23 withdraw a guilty plea entered pursuant to this agreement
24 or otherwise vacates such a guilty plea.

15:54:01 25 Or, three, the conviction obtained pursuant

1 to the agreement is vacated, overturned, or otherwise set
2 aside.

3 Do you understand that, ma'am?

4 THE DEFENDANT: Yes, sir.

15:54:08 5 THE COURT: It further states, "Defendant
6 understands the waiver of the statute of limitations is
7 effective immediately upon defendant's signing of this
8 agreement and is not conditioned upon the approval of
9 this agreement by the Court."

15:54:19 10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Ms. Taylor, I will now review
13 the portion of the plea agreement in which you stipulate
14 to the facts as they relate to the conduct charged in the
15 indictment.

16 As I do so, you will have an opportunity to
17 confirm your agreement with the facts that are set forth
18 or to indicate if there's any disagreement with the facts
19 as stated in the plea agreement.

15:55:15 20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Ms. Taylor, turning your
23 attention to Page 8 of 12 under the caption "Factual
24 basis and relevant conduct," Paragraph 23 states
15:56:17 25 "Defendant agrees that the following summary fairly and

1 accurately sets forth defendant's offense conduct and a
2 factual basis for the guilty plea. Defendant further
3 agrees that the facts set forth in the summary are true
4 and could be established beyond a reasonable doubt if the
15:56:32 5 case were to proceed to trial.

6 "Paragraph 24" -- first of all, ma'am, do
7 you agree with that statement in Paragraph 23?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Paragraph 24 states, "Beginning
15:56:49 10 as early as August 1st, 2015 and continuing through
11 May 17th, 2016, the exact dates unknown, in the Northern
12 District of Ohio, Eastern Division and elsewhere,
13 Rayvonna Taylor, the defendant herein, and others known
14 and unknown, did unlawfully, knowingly and intentionally
15:57:05 15 combine, conspire, confederate and agree together and
16 with each other to possess with the intent to distribute
17 and to distribute at least 500 grams or more of a mixture
18 or substance containing a detectable amount of cocaine, a
19 Schedule II controlled substance."

15:57:23 20 Do you agree with the facts as set forth in
21 Paragraph 24?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Paragraph 25 states,
24 "Specifically, on May 16th, 2016, postal inspectors
15:57:36 25 obtained a federal search warrant on a Priority Mail

1 parcel addressed to 1544 East 70th Street, Cleveland,
2 Ohio. The parcel contained approximately 500 grams of
3 cocaine. Postal Inspectors reviewed records for that
4 parcel and other associated suspected cocaine parcels and
15:57:54 5 determined that Taylor was the carrier that delivered
6 those previous parcels."

7 Do you agree with the factual statements in
8 Paragraph 25?

9 THE DEFENDANT: Yes, sir.

15:58:03 10 THE COURT: Paragraph 26, "On
11 September 16th, 2016, investigators interviewed Taylor
12 who stated that she was paid \$300 a parcel by an
13 individual she knew as Y. C. to personally deliver a
14 number of parcels to him.

15:58:18 15 "Taylor states she believed the parcels
16 contained marijuana."

17 Do you agree with the factual statements in
18 Paragraph 26?

19 THE DEFENDANT: Yes, sir.

15:58:27 20 THE COURT: Paragraph 27 states, "The
21 amount of drugs possessed and distributed by defendant
22 during the course of the conspiracy and/or directly
23 attributed to defendant's actions and reasonably
24 foreseeable within the conspiracy was at least 500 grams.

15:58:51 25 MR. KATSAROS: Your Honor, I apologize, it

1 should be "less." It should "but less."

2 THE COURT: Yes.

3 "But less than two kilograms of cocaine.

4 Defendant knew that the substance defendant was

15:59:08 5 possessing and distributing was a controlled substance."

6 Ms. Taylor, do you agree with the factual
7 statements in Paragraph 27?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: I'll note for the record that
15:59:16 10 Paragraph 27 has a typo. I'm going to cross out the typo
11 which, Ms. Taylor, if you look at the one, two,
12 three -- third line in Paragraph 27, after the 500 grams,
13 it has the word "Nut." It should be but.

14 Do you understand that, ma'am?

15:59:42 15 THE DEFENDANT: Yes, sir.

16 THE COURT: I'm going to cross that out,
17 put the correct word in there "But" and I'm going to ask
18 you and your counsel to initial it after we complete
19 review of the plea agreement.

15:59:51 20 Do you understand that, ma'am?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I'll also ask attorney for the
23 AU -- for the U.S. Attorney's Office to initial that as
24 well afterwards.

16:00:06 25 Paragraph 28 indicates, "Defendant

1 acknowledges that the above summary of defendant's
2 conduct does not set forth each and every fact that the
3 U.S. Attorney's Office could prove at trial, nor does it
4 encompass all of the acts which defendant committed in
16:00:24 5 furtherance of the offenses to which defendant is
6 pleading guilty."

7 Do you agree with the factual statements in
8 Paragraph 28, ma'am?

9 THE DEFENDANT: Yes, sir.

16:00:31 10 THE COURT: Do you wish to make any changes
11 to the factual statements in Paragraphs 23 through 27 of
12 the plea agreement?

13 THE DEFENDANT: No, sir.

14 THE COURT: Ms. Taylor, the indictment in
16:00:53 15 this case contained one count, and indicated, "Beginning
16 as early as August 1st, 2015, and continuing through
17 May 17th, 2016, in the Northern District of Ohio, Eastern
18 Division and elsewhere, Rayvonna Taylor, the defendant
19 herein, and others known and unknown to the grand jury
16:01:10 20 did unlawfully, knowingly and intentionally combine,
21 conspire, confederate and agree together and with each
22 other, and with diverse others known and unknown, to
23 possess with the intent to distribute and to distribute
24 500 grams or more of a mixture or substance containing a
16:01:29 25 detectable amount -- detectable amount of cocaine, a

1 Schedule II controlled substance, in violation of 21,
2 U.S.C., Section 841(a) (1) and (b) (1) (B) and Section 846."

3 Do you agree with the factual statements as
4 set forth in the indictment?

16:01:47 5 THE DEFENDANT: Yes, sir.

6 THE COURT: Ms. Taylor, if and once I find
7 that you have knowingly and intentionally entered a plea
8 of guilty to the charge alleged against you in the
9 indictment and as summarized in the plea agreement, that
16:02:32 10 plea of guilty is final and cannot be later withdrawn.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did you discuss that with your
14 attorney?

16:02:39 15 THE DEFENDANT: Yes, sir.

16 THE COURT: Ms. Taylor, do you acknowledge
17 the accuracy of the factual basis set forth in the plea
18 agreement as summarized and admit that you did, in fact,
19 engage in the conduct described?

16:03:08 20 THE DEFENDANT: Yes, sir.

21 THE COURT: Is it your intention to plead
22 guilty because you are, in fact, guilty of the offense
23 charged?

24 THE DEFENDANT: Yes, sir.

16:03:15 25 THE COURT: Is your decision to plead

1 guilty the result of your own free will?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Has anyone threatened you or
4 anyone else or forced you in any way to plead guilty?

16:03:24 5 THE DEFENDANT: No, sir.

6 THE COURT: Ms. Taylor, as set forth in
7 Paragraph 29 of the plea agreement, it indicates that you
8 agree to provide a complete and accurate financial
9 statement as requested by the U.S. Attorney's Office.

16:04:02 10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Paragraph 30 indicates, "The
13 parties are free to advise the Court about matters not
14 expressly addressed in the plea agreement."

16:04:12 15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Paragraph 31 is captioned
18 "Allocation -- allocution," sorry, and indicates,
19 "Defendant understands and agrees that the U.S.

16:04:30 20 Attorney's Office reviews -- reserves the opportunity to
21 speak at defendant's sentencing. The U.S. Attorney's
22 Office agrees that defendant reserves the right of
23 allocution at sentencing."

24 Do you understand that, ma'am?

16:04:39 25 THE DEFENDANT: Yes, sir.

1 THE COURT: Paragraph 32 captioned,
2 "Consequences of breaching the plea agreement" indicates,
3 "Defendant understands that if the defendant breaches any
4 promise in this agreement, commits additional crimes,
16:04:51 5 obstructs justice, attempts to withdraw defendant's plea
6 agreement, or if defendant's guilty plea is rejected by
7 the Court, or is vacated or set aside, the USAO will be
8 released from all of its obligations under this agreement
9 and may institute or maintain any charges and make any
16:05:09 10 recommendations with respect to sentencing that otherwise
11 would be prohibited under the terms of the agreement."

12 Do you understand that, ma'am?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: It further states, "Defendant
16:05:19 15 understands, however, that a breach of the agreement by
16 the defendant will not entitle defendant to withdraw,
17 vacate, or set aside the defendant's guilty plea or
18 conviction."

19 Do you understand that, ma'am?

16:05:28 20 THE DEFENDANT: Yes, sir.

21 THE COURT: Paragraph 33 indicates,
22 "Agreement not binding on other jurisdictions and
23 agencies."

24 Do you understand that, ma'am?

16:05:38 25 THE DEFENDANT: Yes, sir.

1 THE COURT: Paragraph 34 indicates,
2 "Defendant is satisfied with assistance of counsel."

3 Indicates, "Defendant makes the following
4 truthful statements: I have discussed this case and this
16:06:35 5 plea agreement in detail with my attorney who has advised
6 me of my constitutional and other trial and appeal
7 rights, the nature of the charges, the elements of the
8 offense/offenses the United States would have to prove at
9 trial, the evidence the United States would present at
16:06:50 10 such trial, possible defenses, the advisory Sentencing
11 Guidelines and other aspects of sentencing, potential
12 losses of civil rights and privileges, and other
13 potential consequences of pleading guilty in this case."

14 Do you agree with that statement --

16:07:05 15 THE DEFENDANT: Yes, sir.

16 THE COURT: -- in Paragraph 34, ma'am?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Paragraph 34 further states, "I
19 have had sufficient time and opportunity to discuss all
16:07:12 20 aspects of the case in detail with my attorney and have
21 told my attorney everything I know about the charges, any
22 defenses I may have to the charges, and all personal and
23 financial circumstances in possible mitigation of the
24 sentence. I am satisfied with the legal services and
16:07:27 25 advice provided to me by my attorney."

1 Do you agree with those statements in
2 Paragraph 34, ma'am?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Paragraph 35 captioned
16:07:42 5 "Agreement is complete and voluntarily entered" into
6 indicates, "Defendant and defendant's undersigned
7 attorney state that this agreement, including any other
8 content, is the entire agreement between the parties,
9 defendant and the U.S. Attorney's Office, and that no
16:08:17 10 other provision or inducement have been made directly or
11 indirectly by any agent or representative of the United
12 States Government concerning any plea to be entered in
13 this case."

14 Do you understand that, ma'am?

16:08:29 15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you agree with that
17 statement?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: It further states, "In
16:08:34 20 particular, no promises or agreements have been made with
21 respect to any actual or prospective civil or
22 administrative proceedings or actions involving
23 defendant, except as expressly stated herein."

24 Do you agree with that statement, ma'am?

16:08:47 25 THE DEFENDANT: Yes, sir.

1 THE COURT: It further states, "In
2 addition, defendant states that no person has threatened
3 or coerced defendant to do or refrain from doing anything
4 in connection with this case, including defendant's
16:08:56 5 decision to enter a guilty plea."

6 Do you agree with that, ma'am?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: It further states, "Finally,
9 defendant acknowledges that the agreement cannot be
16:09:02 10 modified unless in writing and subject to approval by the
11 Court."

12 Do you understand that, ma'am?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Katsaros, is there anything
16:09:36 15 further or any other rights or procedural provisions that
16 I have failed to account for prior to receiving
17 Ms. Taylor's plea?

18 MR. KATSAROS: No, Your Honor.

19 THE COURT: Mr. El-Kamhawy, is there any
16:09:52 20 other rights or procedural provision that I have failed
21 to account for prior to receiving Ms. Taylor's plea?

22 MR. EL-KAMHAWY: No, Judge.

23 THE COURT: Ms. Taylor, I'm prepared to
24 receive your plea.

16:10:01 25 Do you want an opportunity to confer with

1 your attorney before I ask you for your plea?

2 THE DEFENDANT: No, sir.

3 THE COURT: Do you have any questions
4 before I ask you for your plea?

16:10:11 5 THE DEFENDANT: No, sir.

6 THE COURT: Now, having been advised of
7 your rights, having found you competent, and having found
8 a factual basis for your plea as set forth and summarized
9 in the plea agreement, how do you plead to the count in
16:10:30 10 the indictment; guilty or not guilty?

11 THE DEFENDANT: Guilty.

12 THE COURT: It is my finding that the
13 defendant in this case Ms. Rayvonna Taylor is fully
14 competent to and capable of entering an informed plea;
16:10:46 15 that she is aware of the nature of the charges brought
16 against her and the consequences of her plea; that her
17 plea of guilty to the count in the indictment in this
18 case is a knowing and voluntary plea supported by an
19 independent basis of fact containing each and every
16:11:03 20 essential element of the offense charged.

21 Attorney El-Kamhawy, do you agree that the
22 factual basis covered and summarized in the plea
23 agreement addresses each essential element of the offense
24 to which Ms. Taylor is and intends to plead guilty to?

16:24:36 25 MR. EL-KAMHAWY: Yes, Your Honor.

1 THE COURT: Ms. Taylor, I accept your plea
2 of guilty and I recommend that the District Court approve
3 and accept your plea of guilty, approve the plea
4 agreement, and adjudge you guilty of the offense charged
16:24:57 5 in the sole count of the indictment.

6 Mr. Katsaros, is there anything further on
7 behalf of the United States?

8 MR. KATSAROS: No, Your Honor.

9 THE COURT: Mr. El-Kamhawy, anything
16:25:12 10 further on behalf of Ms. Taylor?

11 MR. EL-KAMHAWY: No, Your Honor.

12 THE COURT: Thank you. With that, then,
13 this proceeding will be adjourned.

14 THE CLERK: All rise.

16:25:39 15 (Proceedings concluded)

16 - - - - -
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Susan Trischan, within and for the State of Ohio, do hereby certify that the above transcript is a true and accurate record of the hearing held before Magistrate Judge David A. Ruiz. This record was prepared from a tape provided by the Court.

/s/ Susan Trischan

/S/ Susan Trischan, RMR, CRR
7-189 U.S. Court House
801 West Superior Avenue
Cleveland, Ohio 44113
216-357-7087